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Lawyers for Plaintiff,  
 Chicony Electronics Co., Ltd.

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                                  |                                 |
|----------------------------------|---------------------------------|
| CHICONY ELECTRONICS CO., LTD., ) | CASE NO.: CV-01-3945-CRB        |
| a Taiwanese corporation, )       |                                 |
| Plaintiff and )                  | CHICONY ELECTRONICS CO., LTD.'s |
| Counterclaim )                   | ANSWER TO DEFENDANT SILITEK     |
| Defendant, )                     | CORPORATION'S COUNTERCLAIM FOR  |
| vs. )                            | PATENT INFRINGEMENT             |
| SILITEK CORPORATION, a )         | Before the Honorable            |
| Taiwanese corporation, )         | Charles R. Breyer               |
| Defendant and )                  | United States District Judge    |
| Counterclaimant.)                |                                 |

**ANSWER**

Plaintiff and Counterclaim Defendant Chicony Electronics Co., Ltd. (AChicony@) answers the February 1, 2002 Counterclaim of Defendant and Counterclaimant Silitek Corporation (ASilitek@) as follows:

**JURISDICTION AND VENUE**

1. Answering paragraph 1 of the counterclaim, Chicony admits the

allegations set forth in this paragraph.

2. Answering paragraph 2 of the counterclaim, Chicony denies the allegations set forth in this paragraph.

3. Answering paragraph 3 of the counterclaim, Chicony admits the allegations set forth in this paragraph.

## THE PARTIES

4. Answering paragraph 4 of the counterclaim, Chicony admits the allegations set forth in this paragraph.

5. Answering paragraph 5 of the counterclaim, Chicony admits that it is a corporation organized under the laws of the Republic of China, and that its principal place of business is in Taipei, Taiwan, and that it sells computer related products, including keyboards, but Chicony denies all other allegations of paragraph 5 of the counterclaim.

## FACTS

6. Answering paragraph 6 of the counterclaim, Chicony admits the allegations set forth in this paragraph.

7. Answering paragraph 7 of the counterclaim, Chicony admits the allegations set forth in this paragraph.

8. Answering paragraph 8 of the counterclaim, Chicony admits that the counterclaim involves Silitek's allegation of Chicony's infringement of the '586 and '225 patents, and that the asserted patents purport to cover computer keyboards with additional keys, called ~~A~~hot keys~~@~~by Silitek, and that the hot keys can be used in connection with peripheral equipment, and that the '225 patent purports to claim a method for expanding hot keys on a keyboard, but Chicony denies all other

1 allegations of this paragraph.

2 9. Answering paragraph 9 of the counterclaim, Chicony admits that  
3 Silitek complained to Fry's that certain computer keyboards  
4 infringed its '586 and '225 patents, and that Chicony believes  
5 that some of those keyboards were made by Chicony, but Chicony  
6 denies all other allegations of this paragraph.

7 10. Answering paragraph 10 of the counterclaim, Chicony admits the  
8 allegations set forth in this paragraph.

9 11. Answering paragraph 11 of the counterclaim, Chicony admits the  
10 allegations set forth in this paragraph.

11 12. Answering paragraph 12 of the counterclaim, paragraph 7 of  
12 Chicony's complaint alleged that A[c]ertain of the accused  
13 [Fry's] keyboards are manufactured by or for Chicony and  
14 imported into the United States.@ Chicony denies all other  
15 allegations of paragraph 12 of Silitek's counterclaim.

16 **FIRST CLAIM FOR RELIEF**

17 **INFRINGEMENT OF THE '586 PATENT**

18 13. Answering paragraph 13 of the counterclaim, no response is  
19 required.

20 14. Answering paragraph 14 of the counterclaim, Chicony denies the  
21 allegations set forth in this paragraph.

22 15. Answering paragraph 15 of the counterclaim, Chicony denies the  
23 allegations set forth in this paragraph.

24 16. Answering paragraph 16 of the counterclaim, Chicony denies the  
25 allegations set forth in this paragraph.

26 17. Answering paragraph 17 of the counterclaim, Chicony denies the  
27 allegations set forth in this paragraph.

1 18. Answering paragraph 18 of the counterclaim, Chicony denies the  
2 allegations set forth in this paragraph.

3 **SECOND CLAIM FOR RELIEF**

4 **INFRINGEMENT OF THE '225 PATENT**

5 19. Answering paragraph 19 of the counterclaim, no response is  
6 required.

7 20. Answering paragraph 20 of the counterclaim, Chicony denies the  
8 allegations set forth in this paragraph.

9 21. Answering paragraph 21 of the counterclaim, Chicony denies the  
10 allegations set forth in this paragraph.

11 22. Answering paragraph 22 of the counterclaim, Chicony denies the  
12 allegations set forth in this paragraph.

13 23. Answering paragraph 23 of the counterclaim, Chicony denies the  
14 allegations set forth in this paragraph.

15 24. Answering paragraph 24 of the counterclaim, Chicony denies the  
16 allegations set forth in this paragraph.

17 25. Answering paragraph 25 of the counterclaim, Chicony denies the  
18 allegations set forth in this paragraph.

19 **AFFIRMATIVE DEFENSES**

20 As and for its separate affirmative defenses to the  
21 Counterclaim and each and every purported cause of action alleged  
22 therein, Chicony asserts the following affirmative defenses:

23 **FIRST AFFIRMATIVE DEFENSE**

24 Each of Silitek's claims for relief fails to state a claim  
25 upon which relief can be granted.

26 **SECOND AFFIRMATIVE DEFENSE**

27 Chicony has not infringed, either literally or under the  
28

1 doctrine of equivalents, nor contributed to infringement by others,  
2 nor actively induced others, to infringe any claim of any of the  
3 patents in suit.

4 **THIRD AFFIRMATIVE DEFENSE**

5 All of the patents in suit are invalid and unenforceable for  
6 failure to comply with the provisions of 35 U.S.C. §§ 101, 102,  
7 103, and 112.

8 **FOURTH AFFIRMATIVE DEFENSE**

9 All of the patents in suit are invalid and unenforceable as a  
10 result of the inequitable conduct of the applicant in prosecuting  
11 the patent applications.

12 **FIFTH AFFIRMATIVE DEFENSE**

13 On information and belief, the patentee failed to mark  
14 commercial embodiments of the patented products in accordance with  
15 35 U.S.C. §287.

16 **SIXTH AFFIRMATIVE DEFENSE**

17 On information and belief, the patentee has misused the  
18 patents in suit.

19 **SEVENTH AFFIRMATIVE DEFENSE**

20 All of the patents in suit are unenforceable under equitable  
21 doctrines, including but not limited to estoppel and laches.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff and Counterclaim Defendant Chicony prays  
24 for a judgment against Defendant and Counterclaimant Silitek as  
25 follows:

26 A. That Silitek's Counterclaims are dismissed with prejudice  
27 and denying the requested relief based on said  
28

Counterclaims;

B. That Silitek take nothing from its Counterclaims and that Silitek not receive a judicial declaration of direct or any other infringement of the '586 or '225 patents.

C. That Silitek take nothing from its Counterclaims and that Silitek not receive an Order preliminarily or permanently enjoining Chicony.

D. That Silitek take nothing from its Counterclaims and that Silitek not receive a judicial declaration of willful infringement;

E. That Chicony's affirmative defenses are sustained;

F. For Chicony's costs and expenses of suit;

G. For Chicony's attorneys fees; and

H. For such other relief as the Court may deem proper.

**DEMAND FOR JURY TRIAL**

Chicony hereby requests a trial by jury.

DATE: February 21, 2002

LAW OFFICE OF DUNCAN PALMATIER

By: /s/Duncan Palmatier  
Duncan Palmatier

Lawyers for Plaintiff and  
Counterclaim Defendant,  
Chicony Electronics Co.,

**PROOF OF SERVICE**

I am over the age of 18 and not a party to this action. My law office is in the County of Latah, State of Idaho; my office address is: 530 South Asbury Street, Suite 5, Moscow, Idaho 83843.

On February 21, 2002, I served the foregoing document, described as:

CHICONY ELECTRONICS CO., LTD.'s ANSWER TO  
DEFENDANT SILITEK CORPORATION'S COUNTERCLAIM  
FOR PATENT INFRINGEMENT

on Defendant Silitek Corporation's attorney, by faxing it to (213) 830-5741, and by placing a copy of the document in an envelope, with the correct postage, addressed to:

David C. Liu, Esq.  
Liu & Liu LLP  
811 West 7<sup>th</sup> Street, Suite  
1100  
Los Angeles, California 90017

and depositing the envelope in the United States Post.

I declare under penalty of perjury under the laws of the United States of America and the State of Idaho that the foregoing is true and correct.

DATED: February 21, 2002  
AT: Moscow, Idaho

/s/Duncan Palmatier  
Duncan Palmatier